

# Unified Family Court

## *A California Proposal Revisited<sup>1</sup>*

**T**he efficacy of the traditional court structure, which routinely assigns a family's divorce case to the family law judge while a juvenile judge presides over their teenager's delinquency case, continues to be questioned by legal scholars.<sup>2</sup> A parent who seeks a civil domestic violence restraining order does not appear in front of the juvenile court judge who hears his or her child's dependency case. Grandparents who file a guardianship petition will appear in a probate court, even though the family law judge has significant information about the parents' drug and violence issues garnered during their divorce proceeding. The traditional court's legacy for these families is conflicting orders,<sup>3</sup> multiple appearances,<sup>4</sup> uncoordinated treatment plans,<sup>5</sup> unnecessary delays, repeated interviews with the children, lopsided resources, and incomplete information, all of which impede informed decision making.<sup>6</sup>

In response to these multiple proceedings and the multilayered problems of families in crisis, a national trend is to restructure traditional family, probate, juvenile, and, in some courts, even the criminal jurisdictions to create unified family courts.<sup>7</sup> The central principle of a unified family court is that a single, highly trained and committed judge hears the family's multiple cases under a comprehensive jurisdiction.<sup>8</sup> A significant corollary to the unified family court is that a multidisciplinary team<sup>9</sup> of therapeutic and dispute resolution professionals<sup>10</sup> makes recommendations to the judge and provides therapeutic support to the family throughout all proceedings. While unified family courts are hardly a new idea, the recent national momentum to create such courts has been in large part a result of the leadership of the American Bar Association<sup>11</sup> and the National Council of Juvenile and Family Court Judges.<sup>12</sup>

California courts have not been in the forefront of this effort to create unified family courts.<sup>13</sup> The overwhelming majority of California courts still operate with separate and specialized family, juvenile, and probate departments. Each of these departments has minimal knowledge of the decisions of the other, even if the decisions involve the same family and its children. The larger the court, the more the problem is compounded.<sup>14</sup> In large courts, each of these departments may not be just in separate courts, but in different facilities miles away from one another with no technological contact.<sup>15</sup>

Since 1997, the Judicial Council of California has been studying unified family courts through the Family and Juvenile Law Advisory Committee. Most recently the Judicial Council has instructed the advisory committee to study court coordination of proceedings involving families and children.<sup>16</sup> A few courts in California have begun, on an ad hoc basis, the process of unifying their family, juvenile and probate courts, and in some cases, even the criminal court, to provide a holistic approach to families with multiple court cases. These courts have created unified family courts, without any additional financial resources, by reorganizing existing resources.<sup>17</sup> In the process, each of these California courts addressed two significant issues: (1) determination of the court's jurisdiction and (2) development of a methodology for identifying the "family" unit for purposes of the unified family court.



**Hon. Donna M. Petre**  
*Yolo County Superior Court*

To increase efficacy, traditional family, probate, and juvenile courts—and even the criminal jurisdictions in some courts—are being restructured as unified family courts. Although California has not followed the national trend at the state level, some counties have taken the initiative and reorganized their family courts. Yolo, Butte, and San Francisco counties have all created some type of a unified family court that allows them to track "families" with multiple cases in the judicial system. This article describes the unified family courts in each of these counties.

An issue that each of these counties confronted in creating a unified family court is how to define "family." The traditional family, generally defined along patrilineal lines, is not the norm in cases that fall within unified family courts. Unified family courts frequently encountered what the author defines as a "postnuclear family." Postnuclear family members are generally only identifiable through matrilineal lineage. This change requires courts that are tracking families with multiple cases to reorganize not just the court calendar, but also the court's data processing system, to ensure that the cases for all members of the

family are captured. Despite these challenges, Yolo, Butte, and San Francisco have developed noteworthy unified family courts without any additional funding. ■

## JURISDICTION

Usually only a court rule consolidating and assigning all the cases to one judge is needed to create a unified family court.<sup>18</sup> The cases coming before a unified family court can be from different departments, but they must be at one jurisdictional level. The assignment of the judges therefore should come from the highest trial level, superior court judges.<sup>19</sup> The caseload of a model unified court includes abuse and neglect, adoption, spousal support, child custody and visitation, child support, dissolution of marriage (including annulments and separation), domestic violence, spousal abuse, elder abuse,<sup>20</sup> consent to marriage of minors, management of minor's funds, juvenile delinquency, paternity, palimony, status offenders, and termination of parental rights.

Other matters that should be considered for inclusion in unified family court are adult criminal prosecutions, appeal of agency decisions affecting children, competency, commitment to mental health facilities, and motor vehicle offenses of minors. Concurrent adult criminal jurisdiction over crimes involving family members is the furthest extent to which family courts have expanded.<sup>21</sup>

## YOLO'S UNIFIED FAMILY COURT

Yolo County<sup>22</sup> consolidated its municipal and superior courts in 1993, making it one of the first courts in the state to do so. The restructuring continued in 1997 with the creation of a domestic violence court.<sup>23</sup> The unified family court followed with the transfer of all probate guardianship to the family department. Because all the cases and judges were on the same jurisdictional level and the judges of the family and probate departments agreed to the innovation, the restructuring was a straightforward, uncomplicated process.

Compelling arguments supported the change. First, an overwhelming number of guardianships of minors involved a family member, such as a grandmother seeking custody of grandchildren because of a parent's drug addiction. Second, the Yolo County probate department has no therapeutic component, but the family department has mediators who could assist the parties in reaching an agreement. Once the cases were moved to the unified family court, the parents often conceded that their drug usage was interfering with their child-rearing responsibilities, agreed to attend drug treatment, consented to the guardianship, and continued to see their children under the guardian's supervision.<sup>24</sup>

At the end of 1997, the jurisdiction of Yolo's unified family court consisted of all divorces; separations and nullities; minor marriages; adoptions; spousal support cases; child custody and visitation and child support in non-district attorney cases;<sup>25</sup> guardianships; and civil domestic violence restraining orders.

The location of the juvenile court was a major impediment to the unified family court's completion. A commissioner heard the juvenile cases at the juvenile hall, several miles from the main courthouse, where all the juvenile files were kept. In 1999, two events allowed the court to add the juvenile component to the unified family court: the court moved all the juvenile files to the main courthouse, and Superior Court Judge Thomas E. Warriner requested the juvenile assignment. Two judges formerly assigned to the family and juvenile departments became co-presiding judges of the newly created unified family court.<sup>26</sup> By working together on joint projects the judges have sought to blur the lines between traditional juvenile and family departments.<sup>27</sup> To ensure continuity, all eight trial court judges of the Yolo County court agreed that an assignment to the unified family court required a minimum three-year commitment.

### BUTTE'S H.O.P.E COURT<sup>28</sup>

Under the leadership of Judge Steven J. Howell of the Superior Court of Butte County, that court has created the H.O.P.E. ("Helping Organize Parents Effectively") Court.<sup>29</sup> This therapeutic court identifies families with multiple court filings and bundles their cases together so one judge will hear them. The H.O.P.E. Court does not automatically accept every family with multiple cases into the court system; instead, it selects them through an evaluation process. Agencies nominate families to the H.O.P.E. Court coordinator, who then searches for active cases involving any member of the nominated families. The coordinator distributes the case summary to the case management team at the H.O.P.E. Court's weekly precalendar meeting. The committee reviews and evaluates cases and families and decides whether to accept the family into the court. Once a family is accepted, Judge Howell assumes responsibility for all cases that family has in the court system. The jurisdiction of the H.O.P.E. calendar is the most comprehensive in the state, including not just family, probate, and juvenile, but also criminal, traffic, and district attorney family support.

### SAN FRANCISCO'S UNIFIED FAMILY COURT

Judge Donna Hitchens created San Francisco's Unified Family Court in 1997 and presently serves as its supervising judge.<sup>30</sup> Judge Hitchens has successfully unified the family and juvenile departments and is presently working to incorporate the probate department.

Judge Hitchens has implemented dramatic changes under her reorganization that affect all the judges and staff in those departments. Judges in San Francisco's unified family court are primarily assigned to the family, delinquency, and dependency departments. However, upon the filing of a new case involving any of the family members who are already appearing in front of a judge, that judge is automatically assigned the case regardless of jurisdiction. The biggest challenge Judge Hitchens faced in creating the unified family court was defining the family unit to be served by the unified family court.<sup>31</sup>

### WHAT IS A FAMILY?

The cornerstone of a unified family court is the concept of "one judge—one family," sometimes referred to as "one family—one team."<sup>32</sup> The rationale behind "one judge—one family" is that a decision-maker with a broad perspective on interrelated family problems can be indispensable in crafting solutions appropriate to each family.<sup>33</sup>

This simple and often repeated mantra of "one judge—one family," which begins most discussions on uni-

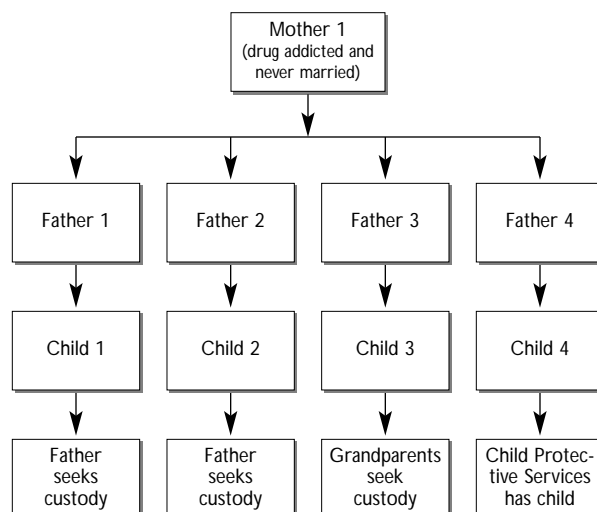
fied family courts, frequently assumes a readily ascertainable definition of a family member. The fact is, however, that the traditional family, defined by popular culture as a married couple with two children, is in actuality not the norm:<sup>34</sup> single parents, cohabitants, grandparent guardians, and foster parents are a more sizable proportion of American families.<sup>35</sup> This transformation of the family creates a significant problem for courts attempting to institute a unified family court.<sup>36</sup>

A few traditionally structured families come within the jurisdiction of the unified family court, and they are readily identifiable. For example, a family may have two sons who are on the delinquency calendar and two other children who come into the dependency court when a parent files for divorce and seeks a civil domestic violence restraining order. By the touch of a button the court can pull up all the cases for this family because no matter how dysfunctional the family may be, it has a patrilineal lineage. Families with high dysfunction and patrilineal lineage are, however, the exception in a unified family court. Most families who appear in a unified family court can be described as "postnuclear families."<sup>37</sup>

The postnuclear family metaphor conjures the image of a nuclear bomb exploding the concept of the traditional family forever. The term applies to any family in which the parties never married and/or the children have no common father. This family can be identified only by following a matrilineal line.<sup>38</sup> An example of a postnuclear family that typically appears in the court is a methamphetamine-addicted mother and four children with four different fathers, none of whom has ever been married to the mother.

As shown in Figure 1, a postnuclear family may be in the family law department when two biological fathers

Figure 1. Example of postnuclear family court case



seek custody orders, the probate department when a grandparent seeks guardianship of the third child, and a juvenile dependency court for the fourth child. The best interest of each of these children and judicial efficiency are served by a system that has one judge presiding over the custody, juvenile, and probate cases for a family consisting of a mother, four children, four unrelated fathers, and grandparents. While it may come as a surprise to the four unrelated fathers, they are members of a family for purposes of a unified family court. Without the unified family court, the grandparent guardianship would be heard by a probate judge. A juvenile judge would preside over the juvenile dependency case, and the family judge would hear the custody cases of the two fathers, all in isolation from the proceedings of the others.

The Butte model resolves this problem through its nomination process. The court's case manager retrieves all of a family's cases for review at the weekly precalendar hearing. If, for some reason, a significant family member's case is overlooked, it can be retrieved after the hearing. This time-consuming process works because Butte does not select every multiple-court family into the H.O.P.E. Court. In contrast, the San Francisco and Yolo courts, which intend to identify all crossover cases and include them in a unified family court, must rely on computers to identify family members. To do this, the courts had to establish a clear set of instructions for data entry personnel that precisely defined the family unit.

The new system required more data collection at the time of filing. Before the creation of the unified family court, the Yolo court did not collect enough data about the family at the time of filing. The data input clerk only placed the youngest child's name in the computer when a dissolution was filed. Neither the mother's nor any of the children's names were placed in the computer when a father filed a complaint to establish paternity. None of the children's names were placed in the computer when a domestic violence restraining order was sought. In juvenile cases, the name of the dependent or delinquent child was placed in the computer but neither of the parents' names was entered. Guardianship petitions included the name of the petitioner and child but not the names of the parents.<sup>39</sup>

Now that all this data is recorded, the court can identify the cases of the postnuclear family just as readily as it does a traditional family.<sup>40</sup> Paternity cases filed by the biological fathers will be recovered because the mother's name is now entered. Juvenile cases will appear as well because the dependency and delinquency cases include the parents' names. Guardianship cases are identifiable by the parents' names.

Even though the Yolo court has implemented these data input changes, which are a marked improvement, problems in defining "the family" remain to be resolved. For example, in postnuclear families, a father's latest girlfriend or a mother's newest boyfriend may be a crucial family member in a unified family court. However, to include each of the four biological fathers' current girlfriends and the latest boyfriend of the mother would result in a data entry nightmare. But their exclusion creates a huge information gap for the decision-maker. A judge can place a child of a methamphetamine-addicted mother with the father, unaware that the father's newest girlfriend has a history of abuse of her own biological children from a prior relationship. These children will likely have a different name than hers. Worse yet would be a situation where the current girlfriend has no cases in the court system, but her child by a previous relationship, who has a different name, is about to be released from the California Youth Authority after serving time for child molestation and on release will move in with his mom. She is living, of course, with the biological father who now has custody of the child. The biological mother may not even know these facts, and the biological father, who may have other concerns, such as child support payments and/or a desire not to upset his current girlfriend, may not volunteer the information. Adding to these considerations are the limitations on courts seeking criminal records, especially juvenile records, of people who may be temporarily living with one of the parents (or in the same residence as the children). Some boyfriends and girlfriends are without doubt the *de facto* parent of a child, and they must be included as members of the unified court's family. However, the data entry clerk will not be able to make these subjective determinations and place their names in the computer.

California's scholars have for years questioned the effectiveness of our court's structure in addressing complex family cases.<sup>41</sup> The California courts described in this article, out of a concern for the well-being of the families and children appearing before them, have embarked on ambitious overhauls of their family, juvenile, and probate departments without any additional expenditures of moneys. Their accomplishments to date are noteworthy. Their efforts, and the national momentum, should renew discussions in the California Legislature<sup>42</sup> on the need for unified family courts.

## NOTES

1. In 1968, Professor Herma Hill Kay recommended that family courts exercise unified jurisdiction over all legal

questions affecting the family. Herma Hill Kay, *Family Court: The California Proposal*, 56 Cal. L. Rev. 1205, 1239 (1968).

2. In advocating the establishment of a unified court to hear family law matters, Dean Roscoe Pound of the Harvard Law School noted: "It has been pointed out more than once of late that a juvenile court ... a court of divorce jurisdiction ... a court of common-law jurisdiction ... and a criminal court or domestic relations court ... all of these courts might be dealing piecemeal at the same time with the difficulties of the same family. It is time to put an end to the waste of time, energy, money, and the interest of the litigants in a system, or rather lack of system, in which as many as eight separate and unrelated proceedings may be trying unsystematically and frequently at cross purposes to adjust the relations and order the conduct of a family which has ceased to function." Roscoe Pound, *The Place of the Family in the Judicial System*, 5 Nat'l Probation & Parole Ass'n J. 161, 164 (1959); Catherine J. Ross, *The Failure of Fragmentation: The Promise of a System of Unified Family Courts*, 32 Fam. L.Q. 8 (1998).

3. Avoiding conflicting orders is especially important in domestic violence cases. In reviewing cases in the Yolo courts, the author found a case in which the family department ordered that the father's visitation with his son be supervised owing to a felony domestic violence conviction with a suspended state prison sentence. The mother also represented in court that the father had beaten one of their sons so badly that he became nearly deaf in one ear. Unaware of the domestic violence conviction, the juvenile court commissioner released a second son, who had been a ward of the court for juvenile delinquency, to the custody of this father.

4. Another experience of the author underscoring the need for change was a conversation with a father who had multiple cases in the court system in different departments. When the father was asked if he worked, he stated, "No, I just come to court." And that he did. Court records indicated that his son's delinquency case was set on one day and his other children's dependency case on the following day. His wife's and his probation cases were heard on other days.

5. No effort is made to coordinate therapeutic courts. Record reviews show that one judge orders a parent into anger control classes, another judge orders parenting classes, another judge sends the parent to drug court, and still another remands the parent to jail. Many of these families are indigent by any standard, yet no effort is made to consider the fiscal impact of court orders. As an example, if the parenting program is ordered as part of family reuni-

fication, the fee is waived, but if probation or the family court orders a parenting class, the cost falls on the family.

6. See Ross, *supra* note 2, at 3.

7. The first model of a unified family court was created in Cincinnati, Ohio, in 1914. Almost 50 years later statewide systems were established in Rhode Island (1961), Hawaii (1964), South Carolina (1968), the District of Columbia (1970), Delaware (1970), Louisiana (1979), and New Jersey (1984). Other courts followed in the 1990s, including Florida, Vermont, Virginia, and Kentucky. Robert W. Page, *Family Courts: An Effective Judicial Approach to the Resolution of Family Disputes*, 44 Juv. & Fam. Ct. J. 7-23 (1993); Hunter Hurst, Jr., & Linda A. Szymanski, *Family Courts in the United States*, 1996: Statute, Court Rule, and Practice Analysis (National Ctr. for Juvenile Justice 1996); Barbara A. Babb, *Where We Stand: An Analysis of America's Family Law Adjudicatory Systems and Mandate to Establish Unified Family Courts*, 32 Fam. L.Q. 31, 35-37 (1998).

8. Andrew Schepard, *Law and Children: Introduction to Unified Family Courts*, N.Y. L.J., Apr. 16, 1997, at 3 (col.1).

9. The California Legislature has adopted a series of laws that allow for the formation of multidisciplinary teams. Cal. Welf. & Inst. Code § 18951 (West 1991); Cal. Welf. & Inst. Code § 18986.46 (West Supp. 1999); Cal. Welf. & Inst. Code § 830.1 (West 1998).

10. A key feature of unified family courts is maximization of nonadversarial dispute resolution professionals, who help families resolve problems through counseling and mediation. This is one area where California has been in the forefront as the first state in the nation to make mediation in all custody cases mandatory. Cal. Fam. Code § 3170 (West Supp. 1999). The majority of states have discretionary mediation programs allowing for mediation upon the recommendation of the court or the request of one of the parties. Dane A. Gaschen, *Mandatory Custody Mediation: The Debate Over Its Usefulness Continues*, 10 Ohio St. J. On Disp. Resol. 469, 472 (1995) (finding that approximately 60 percent of the states have some form of custody mediation). One concern is the potential danger of mediation in domestic violence cases. California has resolved this issue by legislation requiring that the parties not meet together for mediation in domestic violence cases in the absence of a stipulation. Cal. Fam. Code § 3181 (West 1994).

11. The American Bar Association first addressed unified family court systems at its 1980 midyear meeting. The ABA Steering Committee on the Unmet Legal Needs of Children drafted and was the primary sponsor of this pol-

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icy, which was adopted by the ABA House of Delegates at the 1994 annual meeting. For the report that accompanied the policy resolution see Reports with Recommendations to the House of Delegates: 1994 Annual Meeting § 10c (1994).

12. Growing interest in unified family courts prompted the National Council of Juvenile and Family Court Judges to convene a National Family Court Symposium in 1989. Sanford N. Katz & Jeffrey A. Kuhn, Recommendations for a Model Family Court: A Report from the National Family Court Symposium 13-17 (Nat'l Council of Juvenile and Family Court Judges, May 1991).

13. Judge Leonard Edwards of the Superior Court of California, County of Santa Clara, has consistently advocated more coordination of information when several courts are involved with the same family. Leonard P. Edwards, *Improving Juvenile Dependency Courts: Twenty-Three Steps*, 48 Juv. & Fam. Ct. J. 12 (1997).

14. The 1990 Senate Task Force on Family Relations Court admitted that the existing superior court structure in California, by its nature, allows inconsistent orders, multiplicity of hearings and interviews, and uncoordinated services. The report recommended, inter alia, that the Judicial Council develop and adopt a protocol to identify families with multiple cases in the court, whether the cases are occurring concurrently or consecutively. Senate Task Force on Family Relations Court Final Report (1990).

15. Separate family court facilities provide increased public access, efficient use of resources, and maximized opportunity for the use of a comprehensive automated base of information. Katz & Kuhn, *supra* note 12, at 69. Sacramento is presently building a new facility to house the family, probate, and juvenile courts under one roof, thereby facilitating the future creation of a unified family court.

16. At the 1997 Planning Workshop, the Judicial Council requested that the Family and Juvenile Law Advisory Committee study and propose changes in current practices and methods for maximizing case coordination in all matters involving children and families in the court system. In response to the council's request, the committee began its study by (1) surveying the courts both nationally and within the state to determine current practices, (2) holding a public forum at the California Judicial Administration Conference (CJAC) in February 1998 to gather information, (3) conducting a comprehensive review of the literature, and (4) participating in a conference on family courts sponsored by the American Bar Association.

17. The Robert Wood Johnson Foundation of Princeton, New Jersey, has provided the ABA moneys to support several jurisdictions in the nation chosen by the ABA to receive technical assistance in developing unified family courts.

18. Page, *supra* note 7, at 7.

19. The organization and administration of unified family courts becomes important in considering the allotment of resources as well as staff and budgetary requirements. An administration that recognizes this importance will advocate for sufficient funding and allotment of personnel to meet its needs, while an organization or administration that downplays or considers the court in any way inferior to the other courts will fail to properly allocate its resources. Page, *supra* note 7, at 13.

Yolo's experience confirms this conclusion. The juvenile commissioner was inundated with cases. From 1996 to 1998 the juvenile dependency calendar increased 130 percent, yet the commissioner had the least available resources. The court routinely ran hours past five o'clock as the number of cases continued to increase. The court was housed miles away from the main courthouse, where all the administration and judicial, clerical, research, and security resources were located.

20. Erica F. Wood & Lori A. Stiegel, Not Just for Kids: Including Elders in the Family Court Concept 589-96 (American Bar Ass'n, Comm'n on Legal Problems of the Elderly, Oct. 1996). The National Family Court Symposium recommended that family court jurisdiction should include adult and juvenile guardianships and conservatorships. Katz & Kuhn, *supra* note 12, at Recommendation 17.

21. Kay, *supra* note 1, at A-3, A-5.

22. Yolo County straddles the corridor between San Francisco and Sacramento, lying less than 70 miles northeast of San Francisco and immediately adjacent to the city of Sacramento, California's state capital. Yolo County's 152,000 residents live in the incorporated cities of Davis, West Sacramento, Woodland, and Winters. Davis, the largest city, is the site of the University of California. Ethnically the county is 22 percent Latino, 8.1 percent Asian, 2 percent African-American, and 1 percent Native American. The non-Latino Caucasian population is 67 percent and includes the nation's second-largest Russian community. Demographics obtained from Yolanda Williams, Court Executive Officer, Superior Court of California, Yolo County (June 1999). Yolo's largest source of employment is agriculture. One in five Yolo County families receives public assistance. Two interstate highways cross

Yolo County, making it a prime thoroughfare for drug trafficking and a major methamphetamine production location.

23. Yolo County has a comprehensive domestic violence court that includes a criminal department that handles all felony and misdemeanor cases, a civil department, and a juvenile department. These three departments are unified as one domestic violence court with the assistance of a case manager and domestic violence attorney. The Yolo court specifically did not place the civil and criminal departments together because of the public defender's objection. The public defender did not want the family law judge to acquire information about a party in a family law case that would possibly adversely affect his or her criminal case. The case manager does apprise the family law judge of all criminal court cases involving the families without objection from the public defender.

Proponents for inclusion of criminal jurisdiction in family courts argue that such a system promotes coordinated delivery of services to the family and discourages multiple interviewing of victims. Opponents stress possible due process violations and community pressure for a more punitive stance toward offenders renders such jurisdiction inappropriate for the family court. *Supra* note 2. See commentators' concerns regarding inclusion of criminal domestic violence cases in the unified family court. Billie Lee Dunford-Jackson et al., *How Will They Serve Victims of Domestic Violence?*, 32 Fam. L.Q. 131 (1998).

24. An argument against unified family courts is increased cost. Costs must be balanced against increased savings of time. For example, significant cost savings result when guardianships are heard in the family department or where a mediator is available to help the family resolve problems.

25. Commentators have recommended that the unified family court include related courts of special jurisdiction, such as those established by federal legislation to reduce the backlog of child support cases. Social Security Act, Pub. L. No. 103-66, and section 13712 of the Omnibus Budget Reconciliation Act of 1993, 107 Stat. 649 (as codified in 42 U.S.C. § 670). Delaware and Rhode Island, for example, have incorporated child support enforcement courts (known as "IV-D courts") into their unified family court. California is impeded in this coordination by a mandate that a commissioner handle IV-D cases.

26. California has established an expansive role for juvenile presiding judges. The division has co-presiding judges, which affords the judges more opportunities for community outreach and program development. Cal. Standards Jud. Admin. § 24.

27. The co-presiding judges of the division have been able to successfully implement several programs since the beginning of 1999. The first is the Family Court Children's Fund, which seeks to provide a small monetary grant (no more than \$250 per child) to meet the reasonable needs of a child. A second project is the Juvenile Violence Court, which began operation in June of 1999. The judges have also increased the budget to include for the first time funds for mediation in juvenile dependency cases. This change alone will increase the opportunity for nonadversarial dispute resolution that should result in substantial cost savings for the court.

28. See Steven J. Howell, *One Judge—One Family: Butte County's Unified Family Court*, p. 171.

29. Butte Protocols for H.O.P.E Calendar.

30. Conversation with Hon. Donna Hitchens, Supervising Judge of San Francisco's Unified Family Court (May 28, 1999).

31. *Id.*

32. The National Family Court Symposium conferees agreed that a "one judge—one family" approach to case management was the cornerstone of unified family courts. The concept continues to be a frequent subject of debate in discussions concerning unified family courts. Mr. Kuhn recently published his conclusion that teams of family court staff may be a better alternative to the "one judge, one family" idea. Jeffrey A. Kuhn, *A Seven-Year Lesson on Unified Family Courts: What We Have Learned Since the 1990 National Family Court Symposium*, 32 Fam. L.Q. 76–77 (1998).

33. Ross, *supra* note 2, at 17.

34. U.S. Dep't of Commerce, Statistical Abstract of the United States, tbl. 81, Families, by Number of Children Under 18 Years Old: 1980 to 1997 (1998).

35. Little Hoover Comm'n Report, *Enforcing Child Support: Parental Duty, Public Priority* (May 1997), stating that 4 in 10 children are not living with both biological parents.

36. Barbara A. Babb, *An Interdisciplinary Approach to Family Law Jurisprudence: Application of an Ecological and Therapeutic Perspective*, 72 Ind. L.J. 775, 776 (1997).

37. *Id.*

38. The author recently presented the technological problems of identifying a family in a postnuclear family context at the 1999 Government Technology Conference held in Sacramento.

Commentators have noted that data management may be easier and more efficient if it is organized by the mother's

NOTES name but note that it is paramount that battered women not be identified as the dysfunctional parent because of case processing. Therefore, one commentator recommends that unified family court data systems be organized so cases are sorted by perpetrators' names. Dunford-Jackson et al., *supra* note 23, at 141–43.

39. Conversation with Arlene Lambert-Lisinski, Yolo County Clerk (May 1999).

40. There is a great deal of discussion in the literature on the advantages of a unified family court for families with multiple cases in the court system, and comparatively little on what constitutes a family in a unified court. One of the most thorough discussions comes from Kuhn, *supra* note 32, at 77–79. The author comments that the definition of “family” must by necessity be dynamic. He acknowledges that the prospect of accepting the dynamic family for case management purposes seems daunting, but that there is less of a need for a precise, stable definition than may initially appear. The unified family court can legitimately develop the definition of each family to suit the case management objective. The author recommends several principles: (1) the factual and legal issues of families should be similar; (2) the cases should be at similar stages of development and should be conveniently calendared if the parties are closely related or are substantially the same; (3) case familiarity will assist, but not bias, the family court judge; (4) considerable potential for conflicting orders exists unless all matters are assigned to one judge.

The above system works well for the Butte model, which relies heavily on individual case management. This solution may work satisfactorily in a court with ample case coordinators, but in those courts that are unifying with no additional resources, the court must rely on the computer to place all the cases identified before one judge. For such courts, Mr. Kuhn's proposal lacks the specificity needed by the data entry personnel, who know nothing whatsoever about the family. The criteria he uses are based on the “one judge, one family” case management practice conducted in the Family Court of Monmouth County, New Jersey, from 1990 through 1992. The system he proposes also presumes that the court has a case coordinator supporting the unified family court. Mr. Kuhn's plan also assumes that a team is available to aggressively manage each family court case by providing intake, screening, assessment, calendar coordination, and case monitoring services to the parties and the family court judge. Kuhn, *supra* note 32, at 78–79.

41. Kay, *supra* note 1.

42. In 1990 the Senate Task Force on Family Relations Court considered the issue of unified family courts. The

report stated: “The Senate Task Force on Family Relations Court finds that the problem of families involved in multiple courts and receiving conflicting orders, as identified by the Attorney General's Advisory Committee on Child Victim Witnesses, does not occur in a sufficient number of cases to warrant a total restructuring of the Superior Court. Although there were cases in each county which showed the potential of overlapping actions in more than one court, there is insufficient data to determine the number of cases which involve one family that are being filed concurrently or consecutively in the criminal, domestic relations, dependency and delinquency courts. Current systems fail to direct such cases to the appropriate judicial forum at the beginning of the action and no efforts are made to avoid or coordinate duplicate orders and services to families and children. However, without the statistical data base, the Task Force cannot recommend the creation of a Family Relations Division. Additionally with the overburdening of the courts and the inadequate resources, the present system functions as well as it does only because of the degree of judicial specialization within each of the courts serving families. This specialization permits each court to more efficiently handle the volume of cases within the family courts.” Senate Task Force on Family Relations Court Final Report 1 (1990).